

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR POLLUTION CONTROL DISTRICT**

AGENDA ITEM 1

DATE: AUGUST 15, 2000

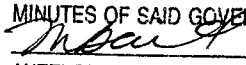
RECOMMENDATION: Set date of September 19, 2000 to conduct a public hearing to consider the amendment of Regulation XIII - New Source Review and approval of CEQA documentation.

SUMMARY: This item officially sets the date for the mandatory public hearing to be held on the amendment of Regulation XIII - New Source Review. The proposed amendments to this Regulation will conform the requirements to the air quality classification of the Antelope Valley; reorganize for clarity and ease of use; and reconfigure the rules to conform with current District rule formatting.

BACKGROUND: The Federal Clean Air Act (FCAA) requires as a part of the State Implementation Plan (SIP), the adoption and approval of a preconstruction review program for all new or modified stationary sources of air pollution in areas which have been designated non-attainment for any national ambient air quality standard (42 U.S.C. §7502(c)(5), FCAA §172(c)(5)). The California Clean Air Act requires that districts designated nonattainment for state air quality standards develop and implement a preconstruction review permitting program for major stationary sources of air pollution (Health & Safety Code §40918(a)). The program developed to meet these requirements is commonly referred to as "New Source Review".

The Antelope Valley Air Pollution Control District (AVAPCD) is required to have a New Source Review Program because the portion of the Mojave Desert Air Basin located within Los Angeles County is designated Federal nonattainment for Ozone (40 CFR 81.305) and State nonattainment for Ozone and PM10 (17 Cal. Code Regs. §§60201, 60205). The South Coast Air Quality Management District (SCAQMD), the predecessor agency to the AVAPCD, adopted and submitted a New Source Review Program in the form of Regulation XIII. USEPA approved the 1996 and 1997 amendments to the program into the SIP at 40 CFR 52.220(c)(240)(i)(A)(1) (12/04/96, 61 FR 64291). Thus, the current New Source Review program for the AVAPCD is this approved program.

Since at the time of the original adoption of Regulation XIII SCAQMD encompassed portions of several different air basins, each with a slightly different nonattainment and classification profile, SCAQMD developed the rules to comply with the most stringent air basin requirements. This meant that the majority of Regulation XIII was developed to

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The Proposed amendments to Regulation XIII - New Source Review have been designed to reflect the AVAPCD's nonattainment classification of Severe 17 for ozone. The proposed amendments also completely reorganize the regulation for clarity and ease of use as well as reformat the rules to conform with current AVAPCD rule format.

The AVAPCD is preparing a Negative Declaration for the proposed amendments to Regulation XIII to meet the requirements of the California Environmental Quality Act.

REASON FOR RECOMMENDATION: Health & Safety Code §§40725 and 40726 require the Governing Board to hold a public hearing before adopting rules and regulations. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing

REVIEW BY OTHERS: This agenda item was reviewed by Fazle Rab Quadri, District Counsel on August 3, 2000.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Eldon Heaston, Deputy Air Pollution Control Officer

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR POLLUTION CONTROL DISTRICT**

AGENDA ITEM 13

DATE: SEPTEMBER 19, 2000

*** CONTINUED**


RECOMMENDATION: 1. Conduct a public hearing to consider the amendment of Regulation XIII - New Source Review and approval of CEQA documentation; and 2. Continue public hearing to November 21, 2000.

SUMMARY: This item opens the public hearing to be held on the amendment of Regulation XIII - New Source Review to allow comments to be presented and continues the public hearing to the meeting of November 21, 2000. The proposed amendments to this Regulation will conform the requirements to the air quality classification of the Antelope Valley; reorganize for clarity and ease of use; and reconfigure the rules to conform with current District rule formatting. The continuance is necessary to allow substantive changes requested by the California Air Resources Board (CARB) to be properly made.

BACKGROUND: The Federal Clean Air Act (FCAA) requires as a part of the State Implementation Plan (SIP), the adoption and approval of a preconstruction review program for all new or modified stationary sources of air pollution in areas which have been designated non-attainment for any national ambient air quality standard (42 U.S.C. §7502(c)(5), FCAA §172(c)(5)). The California Clean Air Act requires that districts designated nonattainment for state air quality standards develop and implement a preconstruction review permitting program for major stationary sources of air pollution (Health & Safety Code §40918(a)). The program developed to meet these requirements is commonly referred to as "New Source Review".

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cc: Karen Nowak
File: Rules & Regs.

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REVIEW BY OTHERS: This agenda item was reviewed by Fazle Rab Quadri, District Counsel on September 5, 2000.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Eldon Heaston, Deputy Air Pollution Control Officer

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR POLLUTION CONTROL DISTRICT
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Chair Hearn opened the public hearing to consider the amendment of Regulation XIII - New Source Review and **continued public hearing to November 21, 2000 at 10:00 a.m.** Karen Nowak, Deputy District Counsel, provided background information on Regulation XIII, noting that staff received late comments from California Air Resources Board and Los Angeles County Sanitation District regarding potential minor, yet substantive changes.

**ACTION OF THE GOVERNING BOARD
OPENED PUBLIC HEARING AND CONTINUED TO NOVEMBER 21, 2000**

Upon Motion by HENRY HEARNS, Seconded by MIKE DISPENZA, as approved by the following vote:

Ayes: **LAWSON, THOMPSON, ROBERTS, HEARNS, DISPENZA, LEDFORD**
Noes:
Absent: **MCCOY**
Abstain:
Vacant:

MICHELE BAIRD, CLERK OF THE GOVERNING BOARD
BY *Michele Baird*
Dated: **SEPTEMBER 19, 2000**

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR POLLUTION CONTROL DISTRICT**

AGENDA ITEM 10

DATE: NOVEMBER 21, 2000

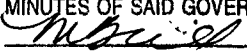
RECOMMENDATION: 1. Conduct a public hearing to consider the amendment of Regulation XIII - New Source Review and approval of CEQA documentation; and 2. Continue public hearing to January 16, 2001.

SUMMARY: This item continues the public hearing to be held on the amendment of Regulation XIII - New Source Review to allow comments to be presented and continues the public hearing to the meeting of November 21, 2000. The proposed amendments to this Regulation will conform the requirements to the air quality classification of the Antelope Valley; reorganize for clarity and ease of use; and reconfigure the rules to conform with current District rule formatting. The continuance is necessary to allow substantive changes requested by the California Air Resources Board (CARB) and various commenting parties to be properly made.

BACKGROUND: The Federal Clean Air Act (FCAA) requires as a part of the State Implementation Plan (SIP), the adoption and approval of a preconstruction review program for all new or modified stationary sources of air pollution in areas which have been designated non-attainment for any national ambient air quality standard (42 U.S.C. §7502(c)(5), FCAA §172(c)(5)). The California Clean Air Act requires that districts designated nonattainment for state air quality standards develop and implement a preconstruction review permitting program for major stationary sources of air pollution (Health & Safety Code §40918(a)). The program developed to meet these requirements is commonly referred to as "New Source Review".

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cc: Karen Nowak
File: Reg. XIII

I, MICHELE BAIRD, CLERK OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR POLLUTION CONTROL DISTRICT, HEREBY CERTIFY THE FOREGOING TO BE A FULL, TRUE AND CORRECT COPY OF THE RECORD OF THE ACTION AS THE SAME APPEARS IN THE OFFICIAL MINUTES OF SAID GOVERNING BOARD MEETING
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**MINUTES OF THE GOVERNING BOARD
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AGENDA ITEM 10

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The AVAPCD is preparing a Negative Declaration for the proposed amendments to Regulation XIII to meet the requirements of the California Environmental Quality Act.

REASON FOR RECOMMENDATION: Health & Safety Code §§40725 and 40726 require the Governing Board to hold a public hearing before adopting rules and regulations. 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing. Health & Safety Code §40726 also requires that the Governing Board not take action on a rule at the same meeting where substantive changes to the rule are introduced.

REVIEW BY OTHERS: This agenda item was reviewed by Fazle Rab Quadri, District Counsel on November 6, 2000.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Eldon Heaston, Deputy Air Pollution Control Officer

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR POLLUTION CONTROL DISTRICT
LANCASTER, CALIFORNIA
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Karen Nowak, Deputy District Counsel, provided background information and explained the reason for continuance. Chair Roberts opened the public hearing and continued the public hearing to January 16, 2001.

**ACTION OF THE GOVERNING BOARD
CONTINUED**

Upon Motion by FRANK ROBERTS, Seconded by HENRY HEARNES, as approved by the following vote:

Ayes: ROBERTS, LAWSON, THOMPSON, HEARNES, DISPENZA,
Noes:
Absent: MCCOY, LEDFORD
Abstain:
Vacant:

MICHELE BAIRD, CLERK OF THE GOVERNING BOARD

BY *Michelle Baird*

Dated: NOVEMBER 21, 2000

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR POLLUTION CONTROL DISTRICT**

AGENDA ITEM 7

DATE: JANUARY 16, 2001


RECOMMENDATION: 1. Conduct a public hearing to consider the amendment of Regulation XIII - New Source Review and approval of CEQA documentation; and 2. Continue public hearing to March 20, 2001.

SUMMARY: This item continues the public hearing to be held on the amendment of Regulation XIII - New Source Review to allow comments to be presented and continues the public hearing to the meeting of March 20, 2001. The proposed amendments to this Regulation will conform the requirements to the air quality classification of the Antelope Valley; reorganize for clarity and ease of use; and reconfigure the rules to conform with current District rule formatting. The continuance is necessary to allow substantive changes requested by the California Air Resources Board (CARB) and various commenting parties to be properly made.

BACKGROUND: The Federal Clean Air Act (FCAA) requires as a part of the State Implementation Plan (SIP), the adoption and approval of a preconstruction review program for all new or modified stationary sources of air pollution in areas which have been designated non-attainment for any national ambient air quality standard (42 U.S.C. §7502(c)(5), FCAA §172(c)(5)). The California Clean Air Act requires that districts designated nonattainment for state air quality standards develop and implement a preconstruction review permitting program for major stationary sources of air pollution (Health & Safety Code §40918(a)). The program developed to meet these requirements is commonly referred to as "New Source Review".

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cc: Karen Nowak
File: Rules & Regs.

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The AVAPCD is preparing a Negative Declaration for the proposed amendments to Regulation XIII to meet the requirements of the California Environmental Quality Act.

REASON FOR RECOMMENDATION: Health & Safety Code §§40725 and 40726 require the Governing Board to hold a public hearing before adopting rules and regulations. 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing. Health & Safety Code §40726 also requires that the Governing Board not take action on a rule at the same meeting where substantive changes to the rule are introduced.

REVIEW BY OTHERS: This agenda item was reviewed by Fazle Rab Quadri, District Counsel on January 3, 2001.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Eldon Heaston, Deputy Air Pollution Control Officer

**MINUTES OF THE GOVERNING BOARD
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LANCASTER, CALIFORNIA
AGENDA ITEM 7**

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Karen Nowak, Deputy District Counsel, presented background information and noted comments made by Environmental Protection Agency (EPA). Ms. Nowak outlined the options staff could take with EPA regarding the revisions and requested direction from the Board. The board requested this be brought back to the next Workshop for further discussion.

**ACTION OF THE GOVERNING BOARD
CONTINUED PUBLIC HEARING TO MARCH 20, 2001**

Upon Motion by JIM LEDFORD, Seconded by HENRY HEARNS, as approved by the following vote:

Ayes: ROBERTS, HEARNS, LAWSON, THOMPSON, DISPENZA, LEDFORD
Noes:
Absent: MCCOY
Abstain:
Vacant:

MICHELE BAIRD, CLERK OF THE GOVERNING BOARD

BY *Michele Baird*

Dated: JANUARY 16, 2001

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR POLLUTION CONTROL DISTRICT**

AGENDA ITEM 11

DATE: MARCH 20, 2001

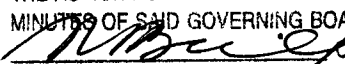
RECOMMENDATION: 1. Conduct a public hearing to consider the amendment of Regulation XIII - *New Source Review* and approval of CEQA documentation; 2. Make a finding of no significant impact; and 3. Adopt a resolution making appropriate findings, certifying the Negative Declaration, amending the Rule and directing staff actions

SUMMARY: This item requests the Board to conduct a continued public hearing regarding proposed amendments to Regulation XIII - *New Source Review*, make findings, and adopt a resolution approving the amendments. The proposed amendments to this Regulation will conform the requirements to the air quality classification of the Antelope Valley; reorganize for clarity and ease of use; and reconfigure the rules to conform with current District rule formatting. The continuance is necessary to allow substantive changes requested by the California Air Resources Board (CARB) and various commenting parties to be properly made.

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Cc: Karen Nowak
File: Rules & Regs.
Resolutions

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REVIEW BY OTHERS: This agenda item was reviewed by Fazle Rab Quadri, District Counsel on March 1, 2001.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Eldon Heaston, Deputy Air Pollution Control Officer

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR POLLUTION CONTROL DISTRICT**

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Eldon Heaston provided handout to Board Members and outlined the significant changes in the Rule. Mr. Heaston presented staff recommendation. Chair Roberts opened the public hearing and solicited public comment. None, being Chair Roberts closed the public hearing.

**ACTION OF THE GOVERNING BOARD
APPROVED AND ADOPTED**

Upon Motion by JIM LEDFORD, Seconded by VERN LAWSON, as approved by the following vote:

Ayes: ROBERTS, LAWSON, THOMPSON, DISPENZA, LEDFORD
Noes:
Absent: HEARNS, MCCOY
Abstain:
Vacant:

MICHELE BAIRD, CLERK OF THE GOVERNING BOARD
BY *Michele Baird*
Dated: MARCH 20, 2001

